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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SANTA CLARA

11 SAN JOSE POLICE OFFICERS'  
12 ASSOCIATION,

13 Plaintiff,

14 v.

15 CITY OF SAN JOSE, BOARD OF  
16 ADMINISTRATION FOR POLICE  
AND FIRE DEPARTMENT  
17 RETIREMENT PLAN OF CITY OF  
SAN JOSE, and DOES 1-10, inclusive,

18 Defendants.

19 AND RELATED CROSS-COMPLAINT  
20 AND CONSOLIDATED ACTIONS  
21

No. 1-12-CV-225926  
(and Consolidated Actions  
1-12-CV-225928, 1-12-CV-226570,  
1-12-CV-226574, 1-12-CV-227864,  
and 1-12-CV-233660)

**DECLARATION OF PETE SALVI IN  
SUPPORT OF PLAINTIFF SAN JOSE POLICE  
OFFICERS' ASSOCIATION'S OPPOSITION  
TO MOTION FOR SUMMARY  
ADJUDICATION**

Date: June 7, 2013  
Time: 9:00 a.m.  
Place: Dept. 2  
Judge: Hon. Patricia M. Lucas

Complaint Filed: June 6, 2012  
Trial Date: July 22, 2013

1 I, Pete Salvi, declare and say:

2 1. I am a retired employee of the City of San Jose. I worked as a Police  
3 Officer for the City of San Jose for over 21 years, from January, 1976 to May, 1997. I am  
4 a former member and officer of the SAN JOSE POLICE OFFICERS' ASSOCIATION  
5 ("SJPOA"). As a result of my employment with the City of San Jose and my subsequent  
6 retirement in 1997, I am familiar with the facts in this matter, as well as those set forth in  
7 this Declaration. If called upon as a witness, I could and would testify competently to  
8 these facts.

9 2. I submit this declaration in support of the SJPOA's Opposition to City of  
10 San Jose's Motion for Summary Adjudication ("MSA").

11 3. At the time I retired and throughout my career with the San Jose Police  
12 Department, the City represented to me that I would receive premium contributions at the  
13 same level as the City contributes for the lowest cost plan offered to active employees in  
14 the same job classification from which I retired, i.e., police officer. From the date of my  
15 retirement until five years ago, I chose a health plan with a higher premium than that of  
16 the lowest cost plan available to active police officers. The City paid the portion of my  
17 health plan premium in the amount it pays for the lowest cost plan available to active  
18 police officers. I paid the extra portion because I had elected a health plan with a higher  
19 premium. Five years ago, I selected a different health plan, which was the lowest cost  
20 plan available to active police officers, and paid no premiums through December 2012.  
21 That month, I received a bill for a premium for January 2013.

22 4. After the City promised when I retired that I would receive premium  
23 contributions at the same level as the City contributes for active police officers, the City  
24 made no further representation until December 2012. At that time, the City changed its  
25 representation of what it would pay. The City said it would pay the amount it pays for the  
26 premiums of the lowest cost plan available to any City employee, rather than the lowest  
27 cost plan available to active police officers. The City's decision to do so has imposed a  
28 significant cost burden on me to pay a large portion of the monthly premiums.

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1           5. In December 2012, the City had told me that to retain my medical  
2 insurance plan, I would be required to make monthly premium payments of \$315.00  
3 because the City would be cutting its contributions to my health care premiums and,  
4 therefore, I would have to pay the balance of what the City would no longer pay. The  
5 City also informed me that if I did not start immediately paying the \$315.00 monthly, I  
6 would be assigned to a health plan that has a much higher co-pay and much higher  
7 deductible, which would have been much more expensive for me than paying \$315 per  
8 month.

9           I declare under penalty of perjury under the laws of the State of California that  
10 the foregoing is true and correct and that this declaration is executed this 1 day of  
11 May, 2013, JOSE, California.

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14 

Pete Salvi